

Enclosure B

**COUNTY RESPONSE COVER PAGE – MUST BE FULLY COMPLETED AND
SUBMITTED WITH PLAN AND DATA**

Yolo County is requesting participation in the Enhanced Anti-Fraud Program
and will submit a Plan and Data as described above, by November 1, 2009.

Board of Supervisor Approval

Approved on _____, 2009, by the County Board of Supervisors

Name of Approver: _____

Signature _____

Name of County District Attorney Representative: Steve Connor

County District Attorney Representative Telephone #: (530) 661-2666

Email Address: Steve.Connor@yolocounty.org

Name of County Welfare Department Representative: Maryfrances Collins

County Welfare Department Representative Telephone #: (530) 661-2951

Email Address: Maryfrances.Collins@yolocounty.org



County of Yolo

Department of Employment and Social Services

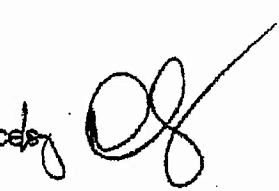
25 North Cottonwood Street, Woodland, CA 95695

Phone: (530) 661-2750

www.yolocounty.org

Pam Miller, MSW
Director

TO: Supervisor Mike McGowan, Chair
and Members of the Board of Supervisors

FROM: Pamela S. Miller, Director of Employment and Social Services 

DATE: November 10, 2009

SUBJECT: Approve the In-Home Supportive Services (IHSS) Program Integrity and Fraud Detection and Prevention Plan for FY 2009-10. (County share of \$19,270 included in 2009-10 budget.)

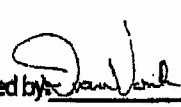
RECOMMENDED ACTION

- A. Approve and sign off on the collaborative IHSS Program Integrity and Fraud Detection and Prevention Plan as outlined by the Department of Employment and Social Services.
- B. Authorize the Director of the Department of Employment and Social Services, or a designee, to submit the plan to the California Department of Social Services indicating intent to receive an additional \$99,631 in federal and state funding for implementation of the plan.
- C. Upon the plan's approval by the Board of Supervisors and the California Department of Social Services, authorize the Director of the Department of Employment and Social Services, or a designee, to take the necessary actions for effective implementation of the plan.

STRATEGIC PLAN GOAL(S)

This action supports the following strategic plan goals:

Financially sustainable county government by reducing county dollars lost to fraudulent activity, strengthening the current IHSS fraud identification and prevention efforts.

Reviewed by  Phone #: 8067

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- Top quality workforce providing responsive services by increasing IHSS program integrity through greater Quality Assurance, making certain that all eligible customers receive consistent and excellent service throughout their interactions with the county's IHSS program.
- Partnering for a successful Yolo County by working with the Yolo County Department of Employment and Social Services, the Yolo County District Attorney's Office, the California Department of Social Services and the California Department of Health Care Services in order to decrease the funding lost to fraudulent activity, thus maximizing Yolo County's ability to offer services to those residents in need.
- Promoting a safe and healthy community by continuing to enhance the quality of services available to Yolo County residents.

FISCAL IMPACT

The county, state and federal government will share the cost of implementation for the IHSS Program Integrity, Fraud Detection and Prevention. The funding for FY 2009-10 is \$118,901 with a county share of cost of \$19,270 for this program. The county share will be funded through the department's general fund appropriation allocated to this program during the recent budget adoption for FY 2009-10.

BACKGROUND

During the events leading up to the passing of the California Budget Act of 2009, members of the state government identified a growing concern about the amount of funding that the state and counties lose to IHSS-related fraud each year. With this concern in mind, the State's Budget Act of 2009 appropriated \$10 million of state funds, to be used before July 1, 2010, for fraud prevention, detection, referral, investigation and additional program integrity efforts related to the IHSS program. These state funds are to be used in conjunction with more than \$16 million in federal and county matching funds (\$12 million federal, \$4 million from counties).

Under the current system it is the responsibility of an IHSS Quality Assurance (QA) Analyst, with other primary job responsibilities, to do a preliminary fraud substantiation review before it is forwarded to the California Department of Health Care Services (DHCS) for full investigation. DESS currently has no staff with the primary responsibility to identify, review and substantiate suspected IHSS fraud cases. This makes it difficult to detect and prevent cases of fraudulent activity, resulting in the estimated loss of 25 percent of IHSS funds annually.

Prior to FY 2009-10, since the Yolo County Department of Employment and Social Services (DESS) began tracking suspected IHSS fraud referrals in August of 2006, there have been no more than three such referrals in any given year. At the outset of FY 2009-10, however, utilizing only existing resources, DESS began taking steps to further identify and substantiate cases of potential IHSS fraud. In the first quarter of FY 2009-10, DESS has already received four suspected fraud referrals. Considering the limited resources DESS is currently able to devote to fraud detection and prevention, the 130

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percent real increase and 400 percent potential increase in annual fraud referrals underscores the incredible need to direct new resources towards the identification and prevention of unchecked fraudulent activity.

OTHER AGENCY INVOLVEMENT

The following organizations will collaborate to implement this plan: Yolo County DESS, the Yolo County District Attorney's Office, the California Department of Social Services and the California Department of Health Care Services.

ATTACHMENTS

- Attachment A: DESS proposed Yolo County In-Home Supportive Services Program Integrity and Fraud Detection and Prevention Plan
- Attachment B: County Response Cover Page (signatures from the Board of Supervisors, District Attorney's Office and Department of Employment and Social Services representative are required once the plan is approved)



Pam Miller, MSW
Director

County of Yolo

Department of Employment and Social Services

25 North Cottonwood Street, Woodland, CA 95695
Phone: (530) 661-2750
www.yolocounty.org

FAX

Date: 11/23/09

To: Carrie Stone, Manager; QA Monitoring Unit

**From: Maryfrances Collins, Assistant Director,
Yolo County DESS**

Originating Fax Number: (530) 661-2658

Terminating Fax Number: (916) 229-3160

Number of pages, including cover sheet: 15

Comments: Attached is the documentation for Yolo County's IHSS Fraud Detection and Prevention Plan. My contact information is shown below should you have any questions. Thank you.

Rita Sogard
Secretary III
Phone: 530-661-2953
rita.sogard@yolocounty.org

BOARD OF SUPERVISORS
Yolo County, California

To: CAO
Co. Counsel
Auditor
Health
GSD
DESS ✓
I HSS ✓

CONSENT CALENDAR

Excerpt of Minute Order No. 09-275 Item No. 2.05 of the Board of Supervisors' meeting of November 10, 2009.

MOTION: Thomson. SECOND: Rexroad. AYES: Thomson, Rexroad, Provenza, Chamberlain, McGowan.

2.05

Approve the In-Home Supportive Services Program Integrity and Fraud Detection and Prevention Plan for fiscal year 2009/10. (County share of \$19,270 included in 2009/10 budget) (Miller)

Recommended Action 2.05

Minute Order No. 09-276: Approved recommended action.

MOVED BY: Provenza / SECONDED BY: Rexroad

AYES: Thomson, Rexroad, Provenza, Chamberlain, McGowan

NOES: None

ABSTAIN: None

ABSENT: None

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ATTACHMENT A

**Yolo County
In-Home Supportive Services
Program Integrity and Fraud Detection and Prevention Plan
FY 2009-10**

Overview

The purpose of this plan is to outline the efforts that Yolo County Department of Employment and Social Services (DESS) will undertake in collaboration with the Yolo County District Attorney's (DA's) Office, California Department of Social Services (CDSS) and the California Department of Health Services (DHCS) to continue our In-Home Supportive Services (IHSS) program integrity efforts as well as address fraud detection and prevention.

*IHSS**Overpayments/
Underpayments*

There are many ways an IHSS overpayment/underpayment may be identified. Examples include:

- Adult Services Worker (ASW) may identify an overpayment/underpayment through their regular case work.
- Social Worker Supervisor (SWS) may identify an overpayment/underpayment through their regular review of case work.
- IHSS Quality Assurance (QA) Analyst may identify an overpayment/underpayment through their random or targeted review of case work.
- Information received from outside agencies and community members may identify an overpayment/underpayment.

All suspected overpayments/underpayments are referred to the IHSS QA Analyst for a complete case review. The analyst then determines if the overpayment/underpayment is substantiated. The QA Analysts tracks the reasons surrounding the overpayments/underpayments and provides staff training to provide awareness to issues surrounding overpayments/underpayments and reduce the possibility of their reoccurrence. In addition to this, the IHSS QA Analyst determines if the circumstances surrounding the overpayment/underpayment warrant a fraud investigation referral.

When an overpayment/underpayment has been substantiated, the QA Analyst works with the IHSS payroll staff and/or the DESS Financial Management staff to ensure that all efforts are made to collect the overpayment and/or pay any underpayment.

All suspected overpayments/underpayments and their outcomes will be tracked as required by CDSS.

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**Fraud
Referrals/
Outcomes**

Like overpayments/underpayments, suspected IHSS fraud referrals are received in various ways; examples include staff referrals, calls from community organizations and calls from concerned community members. All suspected IHSS fraud referrals received by DESS are referred to the IHSS QA Analyst and the DA's Special Investigations Unit (SIU) via the county developed IHSS Overpayment and Fraud Investigation Request form (QA 6). Upon receipt of this form, the analyst and the SIU investigator confer on the referral and determine responsibilities.

If ...	Then ...						
Suspected fraud is substantiated,	IHSS QA Analyst completes the Confidential Medi-Cal Complaint Report (MC 609), attaching all supporting documentation. This information is faxed to the Department of Health Care Services (DHCS) Investigation Branch for the Northern Section (per ACIN I-04-06). Additional procedures regarding responsibilities of IHSS and SIU will be developed prior to implementation of this plan.						
Suspected fraud is unsubstantiated,	IHSS QA Analyst completes the IHSS Overpayment and Fraud Investigation Request form (QA 6) documenting why the suspected fraud was unsubstantiated. Once completed, the QA 6 is routed to the Senior Analyst and the SIU investigator for review.						
	<table border="1"> <tr> <td>If...</td><td>Then...</td></tr> <tr> <td>Senior Analyst agrees with the analyst's report,</td><td>Signs off on the QA 6. A copy of the QA 6 is put in the case file with the original kept with the analyst's IHSS QA report and a copy forwarded to SIU.</td></tr> <tr> <td>Sr. Analyst (supervisor) disagrees with the analyst's report,</td><td>QA Analyst, their supervisor, the DESS Assistant Director (or designee) and SIU Investigator will meet to review the case and determine if a fraud referral to DHCS is warranted.</td></tr> </table>	If...	Then...	Senior Analyst agrees with the analyst's report,	Signs off on the QA 6. A copy of the QA 6 is put in the case file with the original kept with the analyst's IHSS QA report and a copy forwarded to SIU.	Sr. Analyst (supervisor) disagrees with the analyst's report,	QA Analyst, their supervisor, the DESS Assistant Director (or designee) and SIU Investigator will meet to review the case and determine if a fraud referral to DHCS is warranted.
If...	Then...						
Senior Analyst agrees with the analyst's report,	Signs off on the QA 6. A copy of the QA 6 is put in the case file with the original kept with the analyst's IHSS QA report and a copy forwarded to SIU.						
Sr. Analyst (supervisor) disagrees with the analyst's report,	QA Analyst, their supervisor, the DESS Assistant Director (or designee) and SIU Investigator will meet to review the case and determine if a fraud referral to DHCS is warranted.						
Unable to determine if suspected fraud is substantiated or not,	IHSS QA Analyst will contact the DHCS Investigator, CDSS QA liaison and/or IHSS leadership to help determine if a fraud referral is						

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warranted.

All suspected fraud referrals and their outcomes will be tracked as required by CDSS.

The Data Reporting Spreadsheet—Enclosure D (located at the bottom of this attachment) outlines the history of our suspected fraud referrals and their outcomes.

***Collaboration
and
Partnership
with District
Attorney's
Office***

DESS puts great value in delivering IHSS program services with integrity, consistency and uniformity. To this extent, we are eager to partner with our DA's Office to establish and provide annual and on-going/as needed training for IHSS staff in the area of detecting and preventing IHSS fraud. In addition to the training, we will refer suspected fraud for our "red flag" cases to our local DA's SIU for investigation. Monthly meetings between the QA Analyst and SIU Investigator will be held to discuss the status of the fraud referrals and to conduct any special consult needed on complex cases.

For FY 2009-10, we have identified "red flag" cases as those where the provider is working over 300 hours per month in the IHSS program. DESS recognizes that working over 300 hours per month in the IHSS program does not in itself mean there are fraudulent activities occurring, but it does raise great concern for the quality of care that the IHSS consumer is receiving. As of August 2009, we have 24 providers who meet this "red flag" criterion.

Maryfrances Collins is the Yolo County DESS contact. She can be reached at (530) 661-2951.

Steve Connor is the Yolo County DA's Office representative. He can be reached at (530) 661-2666.

***Collaboration
and
Partnership
with DHCS
and CDSS***

Through the IHSS QA initiative, we have had the opportunity to conduct joint home visits with CDSS QA staff as well as participate in annual case audits. As the CDSS QA staff observes and monitors IHSS program delivery across the state, we have found this collaborative relationship to be very helpful in meeting our goal of program integrity, consistency and uniformity. CDSS provides us valuable feedback in our approach and oversight of the IHSS program. This initiative has also allowed us the opportunity to consult and confer with DHCS and SIU Investigators. With the funds provided by the enactment of this plan, we will have a QA Analyst dedicated to the facilitation of fraud prevention and detection. This QA Analyst will work closely with CDSS QA staff and DHCS and SIU Investigators to ensure suspected fraud referrals are filed in a timely manner and will be available to conduct joint investigations/home visits with CDSS, the SIU and DHCS. We are committed to fostering this relationship and look forward to its growth.

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with the implementation of this plan.

As CDSS has requested in the List of Required County Plan Components, the county will track all suspected fraud referrals submitted to DHCS using an Excel spreadsheet. This tracking mechanism will include data elements such as:

- Name/case number of the IHSS consumer
- Name/provider number of the IHSS provider
- Persons involved in the suspected fraud (consumer, provider, county staff, etc...)
- Date referral received by DESS
- Date referral made to DHCS and DA SIU
- Date and outcome of the suspected fraud referral (criminal charges filed, referred for prosecution, no charges filed, convictions, dismissals, etc...)

***Mechanism
for Tracking/
Reporting***

DESS is committed to tracking and reporting outcomes of its program integrity and fraud prevention and detection efforts using the format that will be developed by CDSS. We understand that our final outcome report for FY 2009-10 is due to CDSS by August 1, 2010.

DESS will submit an updated plan by June 1st of each year in order to be considered for continued funding for this program.

Additionally, DESS is aware that although we have no current plans to conduct in-county error rate studies, we will nonetheless be participating in all of the state-conducted error rate studies, as required by SB 1104.

***County's
Current and
Proposed Anti-
Fraud
Activities***

Our current fraud detection and prevention activities include responding to all reports of suspected fraud, conducting random case reviews with a subset of random announced home visits and reviewing reports produced by the Case Management, Information and Payrolling System (CMIPS) and CDSS.

We anticipate that with the enactment of the anti-fraud initiatives within the FY 2009-10 budget, which allows for the addition of a QA Analyst with a focus of IHSS fraud detection and prevention that our fraud referrals will increase. Another factor that we anticipate to increase our fraud prevention and detection activities is the implementation of CMIPS II. As a pilot county for this new software, with a go-live date of April 5, 2010, we look forward to the ability to access newly developed reports and interfaces that will assist in the detection and prevention of fraud.

Past fiscal years at DESS have seen no more than 3 fraud referrals per year. Of particular significance, nearly 17% of these fraud referrals, since DESS began tracking such referrals in 2006, have resulted in conviction, with an anticipated recovery of thousands of dollars. In the first quarter of FY 2009-

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10 we have already received 4 suspected fraud referrals. This equates to a 130% increase in our fraud referrals in only the first quarter of this fiscal year. Consistent with the requirements enacted under AB X4 19, additional QA staff would allow for the conduction of unannounced home visits as well as more detailed review of potential fraud cases.

These additional efforts will likely result in an even greater increase in suspected and substantiated fraud referrals. With this increase in fraud referrals, additional administrative support staff is needed to ensure proper tracking and follow up for DESS and the DA's Office.

**County
Proposed
Budget for
Utilization of
Funds**

No. of Positions	Position Title	Final Cost to IHSS Fraud Prevention Funds
50% FTE	District Attorney Investigator/SIU • Fraud related training for IHSS staff • Investigate "red flag" cases • Case consult	\$40,000
30% FTE	Office Support Specialist • Referral statistics • Follow up tracking • Submit reports to CDSS	\$23,416
63% FTE	Administrative Services Analyst • Suspected fraud case reviews • Suspected fraud home visits • Case consult • Fraud detection • IHSS staff training in program integrity and fraud prevention and detection	\$55,485
		\$118,901

SHARING RATIOS		
Fed./State & County	Total	
\$99,631	\$19,270*	\$118,901
84%	16%	

**DESS will fund 100% of County Share for 09/10 Fiscal Year.*

**Description of
how the
County will
Integrate
Other
Program**

The funds provided by this program will serve to expand our current efforts to address program integrity and fraud detection and prevention. These enhancement funds will allow DESS to dedicate staff to the facilitation and collaboration needed to support a fully functioning fraud detection and prevention program. With a QA Analyst who will have a focus on fraud related activities and be available to collaborate with DHCS and CDSS, a SIU Investigator who will train IHSS staff on how to identify possible fraudulent

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***Integrity
Efforts within
the Plan***

activities and work directly with the QA Analyst on our "red flag" cases and finally, support staff to assist in the set up and tracking of these activities, we are confident that we will bring an even higher degree of program integrity to our existing IHSS program.

The integration of this plan will allow for improvement upon existing program integrity efforts, in that existing QA staff will be able to return their focus towards maintaining program standards while new staff will be dedicated to promoting the anti-fraud component of IHSS program integrity. Consistent with the anti-fraud initiatives contained in the State Budget Act of 2009, this fraud detection and prevention staff will have the time and resources to conduct unannounced home visits and in depth review of suspected fraud cases.

Pending the appropriate funding, DESS is committed to enacting these enhanced IHSS program integrity and fraud detection steps as promptly as possible. The efforts outlined in this plan are to be commenced no later than 60 days from the receipt of the funds.

***Annual
Outcomes
Report***

DESS is committed to providing to CDSS, by August 1st of each year, an annual outcome report identifying activities, data and outcomes associated with the efforts to mitigate, prevent, detect, investigate and prosecute IHSS fraud. We look forward to receiving the CDSS developed reporting tool in January 2010.

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Enclosure D

County: Yolo

Overpayments Identified by County QA		04/05	05/06	06/07	07/08	08/09
Total Amount per Fiscal Year:		0	0	\$16,219	0	\$7,552
Number of Instances:		0	0	3	0	2
Breakdown of Causes	Provider:	0	0	1	0	2
	Recipient:	0	0	2	0	0
	County Error:	0	0	0	0	0
	Unknown:	0	0	0	0	0
	Other:	0	0	0	0	0
Underpayments Identified by County QA		04/05	05/06	06/07	07/08	08/09
Total Amount per Fiscal Year:		0	0	0	0	0
Number of Instances:		0	0	0	0	0
Breakdown of Causes	Provider:	0	0	0	0	0
	Recipient:	0	0	0	0	0
	County Error:	0	0	0	0	0
	Unknown:	0	0	0	0	0
	Other:	0	0	0	0	0
Fraud Referrals/Outcomes		04/05	05/06	06/07	07/08	08/09
Number of referrals to DHCS:		0	0	1	3	2
Number handled locally by DA:		0	0	0	1	0
Number of convictions:		0	0	0	1	0
Court Ordered Restitution:		0	0	0	1	0
Amount of funds involved in the convictions:		0	0	0	\$3,192	0
Amount of funds recovered:		0	0	0	\$ 300	0
Amount of funds pending recovery:		0	0	0	\$2,892	0
Basis for the Conviction:		-----	-----	-----	*	-----
Individuals Responsible	Recipient:	0	0	0	1	1
	Provider:	0	0	1	3	2
	County Staff:	0	0	0	0	0
	Other:	0	0	0	0	0
	Unknown:	0	0	0	0	0

*Grand Theft

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Enclosure D
Page Two

Utilization of County DA for Fraud		04/05	05/06	06/07	07/08	08/09
Documented referrals to DA*		0	0	0	1	0
Outcomes	Accepted:	0	0	0	1	0
	Rejected:	0	0	0	0	0
	Pending:	0	0	0	0	0
	Completed Investigation					
	No Fraud:	0	0	0	0	0
	Restitution Action:	0	0	0	1	0
	Referred for Prosecution:	0	0	0	1	0
	Criminal Charges Filed:	0	0	0	1	0
	No Charges Filed:	0	0	0	0	0
	Convictions:	0	0	0	1	0
	Acquittals:	0	0	0	0	0
	Dismissals:	0	0	0	0	0
	Pending Investigation:	0	0	0	0	0
	Restitution					
	Court Ordered:	0	0	0	1	0
	Restitution Action:	0	0	0	1	0
	Fines	0	0	0	0	0
	Prosecutions Completed	0	0	0	1	0
	Convictions	0	0	0	1	0
	Misdemeanor	0	0	0	1	0
	Felony	0	0	0	0	0

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ATTACHMENT B

Enclosure B

COUNTY RESPONSE COVER PAGE - MUST BE FULLY COMPLETED AND
SUBMITTED WITH PLAN AND DATA

Yolo County is requesting participation in the Enhanced Anti-Fraud Program
and will submit a Plan and Data as described above, by November 1, 2009.

Board of Supervisor Approval

Approved on NOV. 10, 2009, by the County Board of Supervisors

Name of Approver:

Signature

Name of County District Attorney Representative:

County District Attorney Representative Telephone #: 530-666-8180

Email Address: jeff.reising@yolocounty.org

Name of County Welfare Department Representative:

County Welfare Department Representative Telephone #: 530-661-2951

Email Address: marifrancesc@yolocounty.org